

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Status of the Claims

After entering this amendment, claims 1, 2 and 4-20 remain pending.

Allowable Subject Matter

The undersigned acknowledges the Examiner's indication of the allowance of claims 2, 5-7, 11 and 16, if rewritten into independent form, including all of the limitations of any base claim and intervening claims.

Of these claims, claim 5 has been rewritten into independent form. Since a dependent claim inherently includes the limitations of its base claims and any intervening claims, the rewriting of claim 5 into independent form is properly considered a non-narrowing amendment.

In view of the above, it is submitted that claim 5, and the claims dependent thereon, is allowable. Such action is requested.

Claim Objections

Claims 15 and 16 were objected to for lacking proper antecedent basis for "retarder." Appropriate correction has been made by amending these claims to depend from claim 14.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 4 and 8-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,208,997 to Tas ("Tas"). Claim 17 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 2,368,796 to Ardell ("Ardell"). Applicant respectfully traverses these rejections.

As is appreciated from the reading of the present application, the gage assembly of the present invention is a precision instrument that measures the diameter of a workpiece at one or more, preferably at least two, locations of the workpiece. In this regard, the application illustratively discusses the measurement of the raised and recessed lands of a spool valve. Since the dimensions of these lands are critical to the operation of the spool valve, the dimension of these lands must be held to tolerances in the range of thousandths of an inch. To effectuate the accuracy of the present gage assembly, the support for the workpiece during the gaging process is a stationary support. In claim 1, the above is now reflected by language stating that the support member is non-moving.

Tas, the reference upon which claim 1 was rejected, does not include a non-moving support for the workpiece during the gaging process. Rather, in Tas the support, roller (6), rotates as the workpiece (the stem of a flower) is moved through the gaging space. Such a construction is not suitable for the precision gaging required with the present invention. Since Tas fails to disclose each and every limitation of the claim, it is submitted that claim 1 is not anticipated by Tas and the rejection under § 102 should be withdrawn.

Claims 4 and 8-10 depend from claim 1. At least by virtue of their dependencies, these claims are also allowable.

Regarding claim 17, the method of this claim specifically requires that the workpiece is transversely measured in two locations as the workpiece is moved transversely through the gaging space. Ardell fails to transversely measure two locations and to transversely move the workpiece through the gaging space. In Ardell, only one transverse measurement is taken of the workpiece. All other measurements taken of the workpiece are axially taken relative to the workpiece. Additionally, at the time the workpiece is being transversely measured in Ardell, the workpiece is being arcuately moved through the gaging space and is not being transversely moved through the gaging space.

Since both of the above limitations are required by claim 17, Ardell fails to disclose specific limitations of the claim. It is therefore submitted that the rejection of this claim as being anticipated by Ardell is improper and should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tas in view of Official Notice. Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ardell in view of Official Notice.

Claims 12-15 depend directly or indirectly from claim 1. Since claim 1 has been shown to be allowable, it is submitted that claims 12-15 are likewise allowable. Similarly, claims 18-20 depend from claim 17 and are allowable for the same reasons as claim 17. Such action is respectfully requested.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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